

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-20664

ABDUL WAHEED KHAN.

Defendant.

**OPINION AND ORDER DENYING DEFENDANT'S
MOTION FOR MODIFICATION OF SENTENCE**

Defendant Abdul Waheed Khan was convicted for conspiracy to defraud and to commit offenses against the United States in violation of 18 U.S.C. § 371, and was sentenced to a total of 24 months in prison on March 3, 2008. Pending before the court is Defendant's "Motion For Modification of Sentence." Defendant argues that his sentence should be modified for three reasons: (1) he was a victim of organized crime; (2) his 24-month sentence has caused his family tremendous economic hardship; and (3) he never possessed the *mens rea* necessary to commit the crime.

A district court may reduce a defendant's sentence if modification is authorized by statute. *United States v. Ross*, 245 F.3d 577, 586 (6th Cir. 2001). Defendant asks this court to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(I), which permits reduction "upon motion of the Director of the Bureau of Prisons" if the court finds that extraordinary and compelling reasons warrant such a reduction. Defendant is not eligible for such a reduction under 18 U.S.C. § 3582(c)(1)(A)(I) because any such motion must be brought by the Director of the Bureau of Prisons. Accordingly,

IT IS ORDERED that Defendant's "Motion for Modification of Sentence" [Dkt. # 70] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 6, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 6, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522